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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 30 March 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith,* the "Information on the persons deprived of liberty who were transferred from Kosovo and Metohija". I would like to ask you to have it published as an official document of the fifty-sixth session of the Commission on Human Rights under agenda item 9.

(Signed): Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

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* The annex is reproduced as received, in the language of submission only.

Annex

Information on persons deprived of liberty who were transferred from Kosovo and Metohija

As a result of the NATO aggression and in accordance with the plan of moving the Penal-Correctional Institutions from Kosovo and Metohija, as many as 2050 persons deprived of liberty were transferred. Out of the total number, 1874 are persons of Albanian national minority and 176 persons are the others.

Out of the 2050 persons who were transferred, 1681 persons are charged for criminal acts of terrorism and association for enemy activities as well as for criminal act of illegal possession of weapons and ammunition. Of the total number of transferred persons, 370 were sentenced prior to the conflict in Kosovo and Metohija and aggression by NATO forces or charged for criminal acts of common crime. After the transfer, court proceedings were continued against persons for whom there are reasonable grounds for suspicion that they committed certain criminal acts.

In the period of the transfer until 13 March 2000 a total of 823 persons were released from the Penal-Correctional Institutions. They were released upon termination of prison sentence, termination of custody measures, upon court decision on termination of custody and upon conditional release.

The International Committee of the Red Cross, which, in most cases, has been taking and handing over these persons to their families, was notified about the release of all these persons from Penal-Correctional Institutions. A number of released persons were handed over directly to the KFOR whereas a smaller number was taken over by the families, relatives or defenders. A number has expressed the wish to return on their own to their families who fled the territory of Kosovo and Metohija.

On 13 March 2000, out of the total number of persons deprived of liberty who were transferred from Kosovo and Metohija, there are in Penal-Correctional Institutions and District Prisons in the Republic of Serbia 1227 persons deprived of liberty out of whom 571 persons are convicted and 656 persons have a status of detainees against whom court proceedings have been initiated. Out of 656 detainees, 436 are charged whereas 220 are waiting for the charges to be pronounced or for termination of custody.

The position and treatment of persons deprived of liberty who were transferred from Kosovo and Metohija does not differ from the position and treatment of other persons deprived of liberty, except that it was estimated that in the interest of their security and that of the institution in which they are it was necessary to group them and separate into detached housing facilities.

Court and prison authorities have enabled these persons as well as other convicted and detained persons to enjoy all rights in accordance with the law (visits by families, defenders, relatives, etc). Also allowed are visits by the ICRC, UN representatives, humanitarian and other non-governmental organizations.

In accordance with decisions of judiciary bodies, persons are released on a daily basis from the Penal-Correctional institutions, of which the ICRC and the defenders of the detained and convicted persons are regularly informed.